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05-05-04

1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John W. Babich, et al.

Serial No: 10/077,475

Filed: February 15, 2002

For: Matrices for Drug Delivery and  
Methods of Making and Using the  
Same

Art Unit: 1652

Attorney Docket No. BSA-007.02

Examiner: C. Patterson

**CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

May 4, 2004

Date of Signature  
and of Mail Deposit

Shirine Darvish

Shirine Darvish

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR A FIVE-MONTH EXTENSION OF TIME**

Dear Sir:

Applicants hereby petition for a five-month extension of time, from December 4, 2003 up to and including May 4, 2004, pursuant to 37 C.F.R. 1.1.36(a) for the filing of a response to an Notice of Incomplete Reply mailed November 4, 2003 in the above-identified application. A check for \$1390.00 is enclosed, which is intended to cover both the extension of time fee of \$1,005.00 as well as the continuation application fee of \$385.00.

05/06/2004 SZEWDIE1 00000033 10077475

01 FC:2255

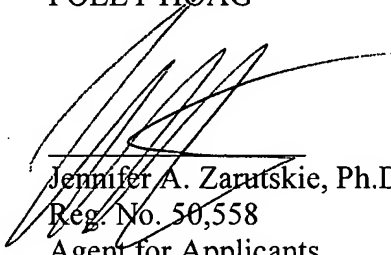
1005.00 0P

Applicants have concurrently filed a continuation application in order to pursue the non-elected claims presented in the amendment filed on 9/15/03. Thus, this petition has been filed in order to maintain pendency of the parent application.

The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. **06-1448, Reference BSA-007.02.**

Respectfully submitted,  
FOLEY HOAG

May 4, 2004  
Patent Group  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600  
Tel: (617) 832-1000  
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Jennifer A. Zarutskie, Ph.D.  
Reg. No. 50,558  
Agent for Applicants

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1005

## Complete if Known

Application Number 10/077,475

Filing Date February 15, 2002

First Named Inventor John W. Babich

Examiner Name C. Patterson

Art Unit 1652

Attorney Docket No. BSA-007.02

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☐ Deposit Account:

Deposit  
Account  
Number 06-1448

Deposit  
Account  
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee

Fee Paid

SUBTOTAL (1)

(\$ 0)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	0	0
Independent Claims	3 **	0	0
Multiple Dependent			0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	1005
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2401	665	Utility issue fee (or reissue)	
1502	480	2402	240	Design issue fee	
1503	640	2403	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2409	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2410	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2401	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1005)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Jennifer A. Zaritsky, P.D.

Registration No.  
(Attorney/Agent)

50,558

Telephone

617-832-1000

Signature

Date

May 4, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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